

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LINWOOD EDWARD TRACY, JR.; et al.,

Plaintiffs,

v.

CEO, SUCCESSOR FOR DEUTSCHE
NATIONAL TRUST COMPANY; et al.,

Defendants.

3:11-cv-0436-LRH-VPC

ORDER

Before the court are various motions styled motions to dismiss and motions to quash filed by plaintiff Linwood Edward Tracy, Jr. ("Tracy") which the court shall construe as motions to strike. *See* Doc. ##194, 196, 198, 206, 207, 220, 223, 224.

I. Facts and Background

At its core, this is a wrongful foreclosure and wrongful taxation action. Plaintiff William Gerald Fillion ("Fillion") owned real property in California which was subject to state, county, and city tax assessments. The tax assessments went unpaid and eventually the property was foreclosed upon.

On June 21, 2011, plaintiffs filed a civil rights complaint against defendants for violation of their First and Fourth Amendment rights. *See* Doc. #1. In particular, plaintiffs challenge the tax assessments and foreclosure claiming that the property belonged to a non-profit organization.

Throughout this litigation, defendants have filed various motions, responses, and other

1 documents with the court. Additionally, the court has issued several orders in this action. Plaintiff
2 Tracy has filed the present motions seeking to strike these filings and orders.

3 **II. Discussion**

4 In his motions, Tracy seeks to strike certain documents filed with the court because the
5 documents were not properly signed in accordance with the Local Rules. The court has reviewed
6 Tracy's motions and finds they are without merit because the documents at issue were filed
7 electronically in accordance with the court's Local Rules. Electronically filed documents are
8 considered properly signed when an authorized user uses a personal log-in and password. *See*
9 Special Order of the Court #109 (issued September 30, 2005) ("The filing of a document through
10 the use of an authorized user's User Log-In and Password shall constitute the "signature" of that
11 attorney for purposes of Fed. R. Civ. P. 11"). Therefore, the court finds that there is no basis to
12 strike the appropriately filed documents.

13 Tracy also argues that certain court orders should be stricken because he removed this
14 action to the Ninth Circuit. However, the Ninth Circuit had already dismissed his appeal for lack of
15 jurisdiction at the time the court issued its orders. Therefore, those documents were also
16 appropriately issued by the court. Accordingly, the court shall deny all of Tracy's motions.

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18 IT IS THEREFORE ORDERED that plaintiff's various motions styled motions to dismiss,
19 motions to quash, and motions to strike (Doc. ##194, 196, 198, 206, 207, 220, 223, 224) are
20 DENIED.

21 IT IS SO ORDERED.

22 DATED this 28th day of January, 2013.



23
24 LARRY R. HICKS
25 UNITED STATES DISTRICT JUDGE
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